

## STATE OF SOUTH CAROLINA

COUNTY OF

Jasper

## IN THE COURT OF COMMON PLEAS

Melinda Malphrus Carr

Plaintiff(s)

## CIVIL ACTION COVERSHEET

PM 4:25

2015 -CP- 01- 042

vs.

Walmart Stores, Inc and  
Walmart Stores East, LPMARGARET DOSTICK  
CLERK OF COURT  
JASPER COUNTY SC

Defendant(s)

Submitted By: R Thayer Rivers, Jr.  
Address: P O Box 468, Ridgeland, SC 29926  
Catherine D Bodgett  
P O Box 2020, Ridgeland, SC 29926SC Bar #: Thayer 4954 / Catherine 012054  
Telephone #: 843-726-8124 / 843-726-9553  
Fax #: 843-726-4401 / 843-726-9556  
Other:  
E-mail: riverslaw@gmail.com / cbodgett@cbodgettlawfirm.com

NOTE: The coversheet and information contained herein neither replaces nor supplements the filing and service of pleadings or other papers as required by law. This form is required for the use of the Clerk of Court for the purpose of docketing. It must be filled out completely, signed, and dated. A copy of this coversheet must be served on the defendant(s) along with the Summons and Complaint.

## DOCKETING INFORMATION (Check all that apply)

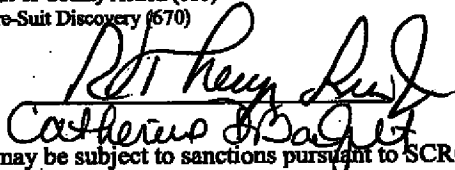
\*If Action is Judgment/Settlement do not complete

- ☒ JURY TRIAL demanded in complaint. ☐ NON-JURY TRIAL demanded in complaint.  
☐ This case is subject to ARBITRATION pursuant to the Court Annexed Alternative Dispute Resolution Rules.  
☐ This case is subject to MEDIATION pursuant to the Court Annexed Alternative Dispute Resolution Rules.  
☐ This case is exempt from ADR. (Proof of ADR/Exemption Attached)

## NATURE OF ACTION (Check One Box Below)

- |   |  |   |  |   |
|---|--|---|--|---|
| <b>Contracts</b><br><input type="checkbox"/> Constructions (100)<br><input type="checkbox"/> Debt Collection (110)<br><input type="checkbox"/> General (130)<br><input type="checkbox"/> Breach of Contract (140)<br><input type="checkbox"/> Fraud/Bad Faith (150)<br><input type="checkbox"/> Failure to Deliver/Warranty (160)<br><input type="checkbox"/> Employment Discrim (170)<br><input type="checkbox"/> Employment (180)<br><input type="checkbox"/> Other (199) | <b>Torts - Professional Malpractice</b><br><input type="checkbox"/> Dental Malpractice (200)<br><input type="checkbox"/> Legal Malpractice (210)<br><input type="checkbox"/> Medical Malpractice (220)<br>Previous Notice of Intent Case #<br>20 -NI-<br><input type="checkbox"/> Notice/ File Med Mal (230)<br><input type="checkbox"/> Other (299)   | <b>Torts - Personal Injury</b><br><input type="checkbox"/> Conversion (310)<br><input type="checkbox"/> Motor Vehicle Accident (320)<br><input checked="" type="checkbox"/> Premises Liability (330)<br><input type="checkbox"/> Products Liability (340)<br><input type="checkbox"/> Personal Injury (350)<br><input type="checkbox"/> Wrongful Death (360)<br><input type="checkbox"/> Assault/Battery (370)<br><input type="checkbox"/> Slander/Libel (380)<br><input type="checkbox"/> Other (399)  | <b>Real Property</b><br><input type="checkbox"/> Claim & Delivery (400)<br><input type="checkbox"/> Condemnation (410)<br><input type="checkbox"/> Foreclosure (420)<br><input type="checkbox"/> Mechanic's Lien (430)<br><input type="checkbox"/> Partition (440)<br><input type="checkbox"/> Possession (450)<br><input type="checkbox"/> Building Code Violation (460)<br><input type="checkbox"/> Other (499)  |   |
| <b>Inmate Petitions</b><br><input type="checkbox"/> PCR (500)<br><input type="checkbox"/> Mandamus (520)<br><input type="checkbox"/> Habeas Corpus (530)<br><input type="checkbox"/> Other (599)  | <b>Administrative Law/Relief</b><br><input type="checkbox"/> Reinstate Drv. License (800)<br><input type="checkbox"/> Judicial Review (810)<br><input type="checkbox"/> Relief (820)<br><input type="checkbox"/> Permanent Injunction (830)<br><input type="checkbox"/> Forfeiture-Petition (840)<br><input type="checkbox"/> Forfeiture-Consent Order (850)<br><input type="checkbox"/> Other (899) | <b>Judgments/Settlements</b><br><input type="checkbox"/> Death Settlement (700)<br><input type="checkbox"/> Foreign Judgment (710)<br><input type="checkbox"/> Magistrate's Judgment (720)<br><input type="checkbox"/> Minor Settlement (730)<br><input type="checkbox"/> Transcript Judgment (740)<br><input type="checkbox"/> Lis Pendens (750)<br><input type="checkbox"/> Transfer of Structured Settlement Payment Rights Application (760)<br><input type="checkbox"/> Confession of Judgment (770)<br><input type="checkbox"/> Petition for Workers Compensation Settlement Approval (780)<br><input type="checkbox"/> Other (799) | <b>Appeals</b><br><input type="checkbox"/> Arbitration (900)<br><input type="checkbox"/> Magistrate-Civil (910)<br><input type="checkbox"/> Magistrate-Criminal (920)<br><input type="checkbox"/> Municipal (930)<br><input type="checkbox"/> Probate Court (940)<br><input type="checkbox"/> SCDOT (950)<br><input type="checkbox"/> Worker's Comp (960)<br><input type="checkbox"/> Zoning Board (970)<br><input type="checkbox"/> Public Service Comm. (990)<br><input type="checkbox"/> Employment Security Comm (991)<br><input type="checkbox"/> Other (999) |   |
| <b>Special/Complex /Other</b><br><input type="checkbox"/> Environmental (600)<br><input type="checkbox"/> Automobile Arb. (610)<br><input type="checkbox"/> Medical (620)<br><input type="checkbox"/> Other (699)<br><input type="checkbox"/> Sexual Predator (510)   |  |   |  | <input type="checkbox"/> Pharmaceuticals (630)<br><input type="checkbox"/> Unfair Trade Practices (640)<br><input type="checkbox"/> Out-of State Depositions (650)<br><input type="checkbox"/> Motion to Quash Subpoena in an Out-of-County Action (660)<br><input type="checkbox"/> Pre-Suit Discovery (670) |

Submitting Party Signature:



Date:

2-9-16

Note: Frivolous civil proceedings may be subject to sanctions pursuant to SCRPC, Rule 11, and the South Carolina Frivolous Civil Proceedings Sanctions Act, S.C. Code Ann. §15-36-10 et. seq.

**Effective January 1, 2016, Alternative Dispute Resolution (ADR) is mandatory in all counties, pursuant to Supreme Court Order dated November 12, 2015.**

**SUPREME COURT RULES REQUIRE THE SUBMISSION OF ALL CIVIL CASES TO AN ALTERNATIVE DISPUTE RESOLUTION PROCESS, UNLESS OTHERWISE EXEMPT.**

**Pursuant to the ADR Rules, you are required to take the following action(s):**

1. The parties shall select a neutral and file a "Proof of ADR" form on or by the 210<sup>th</sup> day of the filing of this action. If the parties have not selected a neutral within 210 days, the Clerk of Court shall then appoint a primary and secondary mediator from the current roster on a rotating basis from among those mediators agreeing to accept cases in the county in which the action has been filed.
2. The initial ADR conference must be held within 300 days after the filing of the action.
3. Pre-suit medical malpractice mediations required by S.C. Code §15-79-125 shall be held not later than 120 days after all defendants are served with the "Notice of Intent to File Suit" or as the court directs.
4. Cases are exempt from ADR only upon the following grounds:
  - a. Special proceeding, or actions seeking extraordinary relief such as mandamus, habeas corpus, or prohibition;
  - b. Requests for temporary relief;
  - c. Appeals
  - d. Post Conviction relief matters;
  - e. Contempt of Court proceedings;
  - f. Forfeiture proceedings brought by governmental entities;
  - g. Mortgage foreclosures; and
  - h. Cases that have been previously subjected to an ADR conference, unless otherwise required by Rule 3 or by statute.
5. In cases not subject to ADR, the Chief Judge for Administrative Purposes, upon the motion of the court or of any party, may order a case to mediation.
6. Motion of a party to be exempt from payment of neutral fees due to indigency should be filed with the Court within ten (10) days after the ADR conference has been concluded.

**Please Note: You must comply with the Supreme Court Rules regarding ADR.  
Failure to do so may affect your case or may result in sanctions.**

STATE OF SOUTH CAROLINA

COUNTY OF JASPER

MELINDA MALPHRUS CARN,

Plaintiff,

v.

WAL-MART STORES, INC. and  
WAL-MART STORES EAST, LP

Defendants.

IN THE COURT OF COMMON PLEAS

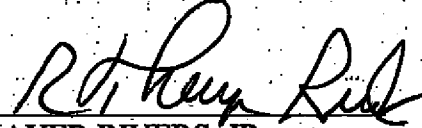
CASE NO. 2015-CP-27-  
2016 FEB 9 PM 4:25

MARGARET BOSTICK  
CLERK OF COURT  
JASPER COUNTY SC

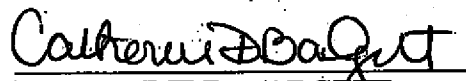
**SUMMONS**  
**(Jury Trial Demanded)**

**YOU ARE HEREBY SUMMONED AND REQUIRED** to answer the Complaint of the Plaintiff in this action, a copy of which is herewith served upon you, and to serve a copy of your Answer to the said Complaint upon the subscriber, R. Thayer Rivers, Jr., Post Office Box 668, Ridgeland, SC, 29936, within thirty (30) days from and after the date of service hereof (exclusive of the date of service); and, if you fail to answer the Complaint within the time aforesaid and to serve a copy of your Answer, judgment by default will be rendered against you for the relief demanded in the Complaint.

LAW OFFICE OF R. THAYER RIVERS, JR.

  
R. THAYER RIVERS, JR.  
Post Office Box 668  
Ridgeland, SC 29936  
843-726-8136

Law Office of Catherine D. Badgett

  
CATHERINE D. BADGETT  
Post Office Box 2020  
Ridgeland, SC 29936  
843-726-9553

ATTORNEYS FOR THE PLAINTIFF

Ridgeland, SC  
February 9, 2016

STATE OF SOUTH CAROLINA

COUNTY OF JASPER

MELINDA MALPHRUS CARN,

Plaintiff,

v.

WAL-MART STORES, INC. and  
WAL-MART STORES EAST, LP

Defendants.

**FILED**

IN THE COURT OF COMMON PLEAS

2016 FEB -9 PM 4:25 CASE NO.: 2015-CP-27-

MARGARET BOSLICK  
CLERK OF COURT  
JASPER COUNTY SC

**COMPLAINT**  
**(Jury Trial Demanded)**

The Plaintiff, **MELINDA MALPHRUS CARN**, complaining of the Defendants, alleges and says:

1. That the Plaintiff is a citizen and resident of Jasper County, South Carolina.
2. That the Defendants, Wal-Mart Stores, Inc., and Wal-Mart Stores, East, LP, owns property and does business in Jasper County, South Carolina.
3. That the events complained of in this complaint took place in Jasper County, South Carolina, in a place of business owned by the Defendants, namely, the "Hardeeville Wal-Mart".
4. That on or about November 18, 2013, the Plaintiff was a business invitee at the Defendant's place of business known locally as the Hardeeville Wal-Mart. While shopping and doing business in said Hardeeville Wal-Mart, the Plaintiff stepped in a puddle of water in the produce aisle causing her to slip and fall. That the Defendants, through its agents, servants, and employees, knew, or with reasonable diligence should have known, of the existence of the puddle and it's danger to the patrons of the Defendant's business.
5. That as a result of the fall the Plaintiff has suffered and continues to suffer injuries to her neck, back and spine all of which has and will in the future continue to cause her to undergo much physical pain and suffering, both presently and in the future; that as a result of her injuries she has incurred medical expenses, lost wages and the loss of enjoyment of life.
6. That the Defendants Wal-Mart Stores, Inc., and Wal-Mart Stores, East, LP, by and through its agents, servants and employees, were negligent, willful, wanton, careless and grossly negligent in the following particulars:
  - a. In failing to provide a safe environment for its patrons to do business on their premises;
  - b. In allowing a puddle of water to form and remain on the floor of its store.

- c. In failing to place appropriate signs or barricades warning its patrons, and specifically the Plaintiff, of the existing danger.
- d. In failing to train its servants, agents and employees how to detect, properly address and handle such situations that could ultimately cause injury to its patrons.
- e. In failing to exercise that degree of care and caution that a normal prudent person would exercise under the circumstances then and there existing.

All of which were the direct and proximate cause of the injuries and damages suffered by the Plaintiff herein.

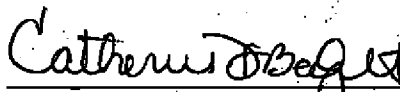
**WHEREFORE**, the Plaintiff prays for an award of both actual and punitive damages, the costs and expenses of this action, and for such other and further relief as this court deems just and proper.

Law Office of R. Thayer Rivers, Jr.



R. THAYER RIVERS, JR.  
Post Office Box 668  
Ridgeland, SC 29936  
843-726-8136

Law Office of Catherine D. Badgett



CATHERINE D. BADGETT  
Post Office Box 2020  
Ridgeland, SC 29936  
843-726-9553

**ATTORNEYS FOR THE PLAINTIFF**

Ridgeland, SC  
February 9, 2016